UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,532	01/16/2004	Yuh-Chin Chang	26197/169129	5607

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/758,532	CHANG ET AL.
		Examiner	**Art Unit**	
		Samuel G. Neway	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This is responsive to the Application filed on 16 January 2004.

Drawings

2.   The drawings are objected to because in FIGs. 2 and 3 the top arrow pointing to

item 111 should read 'SI' and not "Se". Corrected drawing sheets in compliance with 37

CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

Specification

3.   The disclosure is objected to because of the following informalities: in page 3, in

line 3, "all current audio equipment has at least ..." is believed to be a typographical

error.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   The term "certain" in claim 1, line 5, is a relative term which renders the claim

indefinite. The term "certain" is not defined by the claim, the specification does not

provide a standard for ascertaining the requisite degree, and one of ordinary skill in the

art would not be reasonably apprised of the scope of the invention. The limitation "after

a certain time " is vague and it is unclear as to what said limitation is meant to cover.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

7.   Claims 1 – 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Altare

et al (USPN 6,791,481).

Claim 1:

Altare discloses a method of improving an electronic anti-shock system (EASS)

(intended use), in which when PCM signals ("standard code words", Abstract) are

received by the EASS,

the system first processes the audio signals with high compression algorithm

motion picture expert group (MPEG) to convert to audio compressed data and then

save the audio data in a temporary memory ("second-encoding and re-digitizing of the

second digital words is preferably in the MP3 format, with these MP3 format second

digital words stored in a volatile memory of, most preferably, the FLASH, DRAM or

SRAM types", col. 6, lines 35-40), and after a certain time

the system reads out the audio compressed data from the temporary memory

through a decoding process with the same audio compression algorithm and restores

the audio data to the original PCM format, such that a data buffer is created during

signal processing for a suitable buffering time, while the quality of sound reproduction

can be assured ("decode the MP3 encoded disk words read from the buffer memory

into an analog signal", col. 6, lines 44-47).

Claim 2:

Altare discloses the method of improving EASS as claimed in claim 1, wherein

the audio compression algorithm is MPEG 1 (col. 12, lines 38-40).

Claim 3:

Altare discloses the method of improving EASS as claimed in claim 1, wherein the audio compression algorithm is MPEG 2 (col. 12, lines 38-40).

Claim 4:

Altare discloses an electronic anti-shock system (EASS) (intended use) comprising:

an MPEG encoder, which converts input PCM signals in the left and right channels to audio compressed data streams complying with the MPEG specifications (Fig. 1, item 34 and related text);

a memory device (DRAM), of which the input and the output are respectively connected by a first and a second FIFO buffer, and the input of the first FIFO buffer is connected to the output of the MPEG encoder; a DRAM controller, which is respectively connected with the memory device (DRAM) and two FIFO buffers to regulate the data flow to /from the Memory device (DRAM) (Fig. 1, items 31-34 and related text);

and an MPEG decoder connected to memory device (DRAM) through the FIFO buffer, which converts audio compressed data back to the original PCM format for sound reproduction (Fig. 1, item 34 and related text).

Claim 5:

Altare discloses the EASS as claimed in claim 4, wherein the MPEG encoder and the MPEG decoder adopt the MPEG 1 format (col. 12, lines 38-40).

Claim 6:

Altare discloses the EASS as claimed in claim 4, wherein the MPEG encoder and MPEG decoder adopt the MPEG 2 format (col. 12, lines 38-40).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

      a.   Millikan et al (USPN 7,042,813) discloses a shock protection for a CD

player that plays audio from a CD containing compressed audio data (e.g., MP3).

      b.   Watanabe et al (USPN 5,818,801) discloses a data reproduction

apparatus (such as CD player)equipped with a shockproof function for

continuously supplying reproduced original data irrespective of vibration or

shock.

      c.   Bhogal et al (USPN 6,931,556) discloses a method for recording at least a

portion of audio data from an optical disk onto the portable computer's hard disk

while the optical disk is being played over the output device; turning the drive's

spin motor off as soon as the data has been transferred to the hard disk; and

then continuing to play the remaining un-played portion of the optical disk over

the portable computer's speaker or other output device from the hard disk

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Samuel G. Neway whose telephone number is 571-270-

1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM

EST.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SN

DAVID HUDSPETH
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